



The Salisbury Planning Board held its regular meeting Tuesday, July 28, 2020, via virtual zoom meeting, at 4:00 p.m. with the following being present and absent:

**PRESENT:** John Struzick, Bill Wagoner, Tim Norris, Bill Burgin, Jayne Land, John Schaffer, and P.J. Ricks.

**STAFF:** Teresa Barringer, Jessica Harper, and Catherine Garner.

### APPROVAL OF MINUTES

- Planning Board Minutes of July 14, 2020 approved as amended.

### NEW BUSINESS

#### STAFF PRESENTATION

##### LDOTA-01-2020

- Staff proposed a text amendment regarding mailing radius by first giving a brief history on mailings for hearings. She stated that until 2018 all public hearings required mailed notifications to properties within 100 feet of the subject parcel(s). She added that from 2018 to present: All public hearings require mailed notifications to properties within 500 feet of the subject parcel(s).

- Staff further proposed to tailor the mailed notification radius to the type of hearing. Her examples included a reduction from 500 ft. to 250 ft. for Legislative cases such as rezoning's and conditional district rezoning's. Staff also proposed a reduction from 500 ft. to 100 ft. for Quasi-Judicial cases such as special use permits, Historic Preservation Commission, variances, and appeals.

- The rationale behind these changes depend on case type. Legislative hearings are open to broader comment, not limited to evidentiary testimony, and have the potential to impact a larger area. Quasi-Judicial hearings are intended to gather testimony and evidence about the impact of the change on the parcels immediately surrounding the subject parcel. Staff added that these hearings are limited to those parties with standing, which also implies a close nexus to the property.

Staff continued with other reasons for the text amendment that included increased expense to applicant, confusion of citizens, and impacts on staff who prepare mailings. Staff used an example of this using the August Historic Preservation Commission meeting. She stated that the meeting will have nine cases with approximately seventy-five letters each equaling 675 pieces of mail. The proposed amendments are below:

## Amended Ordinance – 15.3.C

C. First-Class Mail Notification: A notice of the proposed action shall be sent first class mail by the Administrator at least (10) but not more than (25) days prior to the hearing to the following: the person(s) or entity initiating the hearing, the owner(s) of the affected property(ies), the owners of all abutting properties, and owners of all property within ~~500 feet of the affected properties~~ the specified distance per hearing type, as defined below:

1. Legislative hearings (including but not limited to rezoning and conditional district rezonings): 250 feet of the parcel(s) in question

2. Quasi-Judicial Hearings (including but not limited to Certificates of Appropriateness, Special Use permits and variances): 100 feet of the parcel(s) in question

<u>Request</u>	<u>Newspaper Notice</u>	<u>Sign to be Posted</u>	<u>First Class Mail Notification (Certified Mail required if applicant is not owner)</u>	<u>Alternate Notifications for Rezoning more than 50 Properties</u>
<u>Quasi-Judicial (AMDC, HPC, Appeals, Special Use permits, and Variances)</u>		X	X	
<u>Map Amendments (including rezonings and Conditional District rezonings)</u>	X	X	X	X
<u>Text Amendments</u>	X			
<u>Vested Rights</u>	X	X	X	X

## DISCUSSION

Staff assured the board that standing is not affected by receipt of mail notification. She stated that if participants have evidence in the case they still have the ability to present the evidence and will not be turned away. Staff added that the property will still receive a sign, mailings, and a newspaper article.

Staff confirmed that when the mailing radius was increased and approved by City Council, the costs associated with the change were not accurately predicted. Staff confirmed that after two years since the approval the increase has had a major financial impact on the city's budget as well as the applicants. Staff informed the board that all agendas will now be available online at the cities website.

Mr. Burgin confirmed that council may be responsive to a radius increase that is more than the minimum state requirements.

## MOTION

Mr. Burgin made the motion to approve staff recommended text amendment LDOTA-01-2020 regarding mail notification radius. The recommended changes to the ordinance will include a mailing radius reduction from 500 ft. to 250 ft. for Legislative cases and a reduction from 500 ft. to 100 ft. for Quasi-Judicial cases. Seconded by P.J. Ricks. All member voting in favor.

## LDO ANALYSIS

Staff and Planning Board members briefly discussed the current status of the ongoing LDO analysis. The flexible practices topic has recently been completed. Staff identified some LDO items such as TND will be evaluated after the completion of the Comprehensive Plan. N-Focus will specify their comments regarding Religious and Institutional standards and report back. Staff will confirm if the new Community Interest zoning district will be sufficient enough to satisfy N-Focus. Long term item #11 will also be waiting on confirmation from N-Focus. Staff identified that no other items are left on the list for review and all other topics will be discussed post Comprehensive Plan.

## ADJOURN 4:44 p.m.

There being no further business to come before the Planning Board the meeting was adjourned.

---

John Schaffer, Chair

---

Jessica Harper, Secretary